

1 of 5

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

DEBRA P. HACKETT, CLK  
U.S. DISTRICT COURT  
NORTHERN DIVISION

ALONZO AUSTIN Executor for the  
estate of RUTH H. LEWIS )

Plaintiff(S)

V.

MODERN WOODMEN OF AMERICA (WO)

et. al.

Defendant(S)

CIVIL  
CASE NO. 3:07-CV-138 MHT

PLAINTIFF(S) OBJECTIONS TO THE SUPPLEMENTAL REPORT  
AND RECOMMENDATION OF THE MAGISTRATE JUDGE.

NOW Comes, pro se Plaintiff(S) and Executor  
For RUTH H. LEWIS Estate, ALONZO AUSTIN  
pursuant to 28 U.S.C. § 636(b)(1)(B) and  
respectfully file his Objection with respect  
to (DOC. 2, filed February 16, 2007).

I INTRODUCTION

1. Specifically relating to Defendant ~~Former~~ Circuit  
Judge Howard F. Bryan, in footnote 3 on page 2  
in the report Plaintiff(S) object to Magistrate  
finding that Defendant Bryan, is not a party  
because service was imperfect. When in fact, this  
matter can be remedied by serving Defendant Bryan,

2 of 5

at 402 19th Ave S.W., LANETT, AL. 36863  
(DOC. 90 filed on 5/23/07). Plaintiff(s) Now,  
Demand that Defendant Bryan, be re-served  
with Complaint and Summons as all the  
Other Defendants have been (DOC. 2 Filed on Feb. 16, 07,

2. Plaintiff(s) Object to Magistrate finding  
that Defendant Bryan, as a Private person  
is Not Subject to Suit in this §1983 action.  
Defendant Former CIRCUIT JUDGE, Howard F. Bryan  
is indeed Subject to this Suit as an individual  
as he is being Sued in both his individual  
and official Capacity ref. (DOC. 90 filed on 5/23/07,

3. Magistrate finding the Defendant Bryan,  
§1983 Claims are barred by the Statute  
of Limitations. Which plaintiff(s) also Objects  
too, as the Case was not Ripe, until February  
14 2006, when Plaintiff(s) was notified by mail,  
by the State Treasurer's office, of the Unlawful  
and Fraudulent transference of his beneficiary Funds  
From MODERN WOODMEN to THE STATE OF ALABAMA  
under Color of State Law (DOC. 90 Filed 5/23/2007.)  
in Violation of 42 U.S.C. § 1983, 14th Amendment Rights  
of Due Process and Equal Protections arising under the  
U.S. Constitution, and Article [IV] & XIV..

3 of 5

## II. DISCUSSION (Doc. #94 6/12/07)

4. Plaintiff(s) once again Objects to the Magistrate finding that all the Allegation made by Plaintiff(s) against Defendant Judge Bryan, arise from actions taken by Judge Bryan, in his Judicial Capacity during Court proceedings over which he had Jurisdiction. With all Due respect, the Magistrate Can Not Speak For Former CIRCUIT JUDGE Howard F. Bryan, as he, has Not Yet responded to the Complaint. However, The Plaintiff(s) were the Target of ALL these Court orders Issued by Defendant Judge Howard F. Bryan, including Civil Action No. CV-94-36 heard on March 17, 1994 after a Decree had been issued by him on February 24, 1994 transferring Said Cause to the Circuit Court of Macm County and further ordering Alonzo Austin to appear on March 17, 1994 to show cause as to why he Should Not be held in Contempt.

This order goes on to say Guardian and Conservator, Juanita Upshaw was present at the March 17, 1994 hearing and was represented by the Honorable Deborah Hill Biggers.

MR. ALONZO AUSTIN, was also present and appeared pro se. Truthfully, Plaintiff(s), appeared as Principal LEWIS's, ATTORNEY-IN-FACT... in short Defendant Bryan, Divested Plaintiff(s), of his 1992 Buick

4 of 5

in the "Clear Absence of All Jurisdiction"  
Pursuant to ALABAMA Rule of Civil Procedure 7D.

Thus, Judge, will be Subject to Liability  
despite doctrine of Judicial immunity, where  
he has acted in "Clear absence of all Jurisdiction?"  
See: Moore v. Brewster C.A. 9 (Cal) 1996,  
96 F. 3d 1340 Certiorari denied 117 S. Ct. 963,  
519 U.S. 1118, 136 L. Ed. 2d 848.

III CONCLUSION (Doc. 94 Filed 6/12/07)  
Plaintiff(s) final objection to Magistrate's  
Conclusion (to Dismiss the Case altogether)  
1., 3, & 4 See: Hunter v. City of Beaumont,  
E.D. Texas 1994, 867 F. Supp. 496, it reads  
Dismissal is Not appropriate if pro se Litigant's  
Pleadings, When Liberally Construed would support  
existence of Cause of action under § 1983  
even if Litigant does Not Specifically Assert  
§ 1983 Violation.

WHEREFORE CONSIDERED PLAINTIFF(S)  
Prays that Magistrate would reconsider  
Dismissal of former Circuit Judge Howard F. Bryant  
and the other Defendant(s) and all out Standing  
Motion based upon the grounds cited above.

Respectfully Submitted,  
Along Austin Prose  
Along Austin Prose

5 of 5

CERTIFICATE OF SERVICE

I hereby Certify that I have Served  
A copy of the foregoing documents  
Upon the following by placing  
A copy of same in the UNITED  
STATES mail, this 22<sup>nd</sup> day of  
June 2007, Postage Prepaid  
And properly Addressed to.

Circuit Judge: Howard F. Bryan

~~1041 North 1st St~~~~Mobile, AL 36683~~4102 19th Ave SW  
Lawett, AL 36863

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